EXECUTORS — TRUSTEES — DOUBLE COMMISSIONS. — The executors under a will were directed, among other things, to invest the estate and to turn over to a legatee the income and parts of the *corpus* of the estate at stated intervals during a period of more than twenty years. The will made no division between their trust duties and their functions as executors. A subsequent court decree allowed the executors to continue as such with respect to the realty, and as trustees with respect to the personalty. *Held*, that the executors were not entitled to double commissions on the transfer to themselves as trustees of the proceeds from the sale of realty. *In re Ziegler*, 218 N. Y. 544, 113 N. E. 553.

In New York the rule is that double commissions will not generally be granted to an executor who also serves as trustee. *Valentine* v. *Valentine*, 2 Barb. Ch. 430; *McAlpine* v. *Potter*, 126 N. Y. 285, 27 N. E. 475. Nor will a court decree terminating the executorship and declaring a continuation of the duties as trustee affect the rule. *Johnson* v. *Lawrence*, 95 N. Y. 154. But an exception is made if the terms of the will clearly indicate a point where the duties as executor end and those as trustee begin. *Olcott* v. *Baldwin*, 190 N. Y. 99, 82 N. E. 748; *Laytin* v. *Davidson*, 95 N. Y. 263. Other jurisdictions, in general, determine the right to double commissions by the substance of the work actually done. *Pitney* v. *Everson*, 42 N. J. Eq. 361, 7 Atl. 860; *Lyon* v. *Bird*, 79 N. J. Eq. 157, 80 Atl. 450; *Kennedy* v. *Dickey*, 99 Md. 295, 57 Atl. 621; *Albro* v. *Robinson*, 93 Ky. 195, 19 S. W. 587. This would seem to be the more equitable test. It is difficult to see why the testator's intent or the chance phrasing of a will should deprive the executor of additional payment as trustee where it is clear that he is acting in both capacities.

INSURANCE — CONSTRUCTION AND OPERATION OF CONDITIONS — VALIDITY UNDER "SUICIDE STATUTE" OF REDUCED RECOVERY FOR DEATH BY POISON. — A life insurance company issued a policy containing a provision that in the event of death by poisoning the beneficiary should recover only one fifth of the face value of the policy. The insured committed suicide by taking poison. A statute provides that suicide shall be no defense in a suit upon a policy of insurance, and that any provision in a policy to the contrary shall be void. 1909 MISSOURI REV. STAT., § 6945. The beneficiary seeks to recover the face value of the policy. *Held*, that she may recover only one fifth of the face value. *Scales* v. *Nat. Life & Accident Ins. Co.*, 186 S. W. 948 (Mo. App.).

Under the Missouri statute a provision in a life insurance policy reducing recovery in case of death by suicide is held to be void since it makes suicide a partial defense. *Keller* v. *Travelers' Ins. Co.*, 58 Mo. App. 557; *Whitfield* v. *Aetna Life Ins. Co.*, 205 U. S. 489. Likewise any provision discriminating in any way against recovery for suicide would seem void. In the principal case, however, the clause does not mention suicide but makes the physical cause of death the basis of reduced recovery. *Primâ facie* this is clearly not within the purview of the statute. If it should appear in a particular case that by such a clause a company is really cloaking a discrimination against recovery for self-destruction, it should of course be held void. But to deny the validity of such a provision upon the ground that the death was incidentally a suicide would be to prefer recovery for a suicidal death by poison over recovery for any other death by poison. This construction would give to the statute an effect affirmatively favoring recovery for suicide. Such a construction would seem abnormal, being entirely counter to the policy of the common law; for insurance against suicide has long been held void at common law. See *Moore* v. *Woolsey*, 4 El. & Bl. 243, 254; *Ritter* v. *Mut. Life Ins. Co.*, 169 U. S. 139, 154. This so-called suicide legislation is of doubtful public policy under any construction, as it tends to restrain freedom of contract and removes a deterrent from suicide. To extend the effect of such a statute beyond its normal scope would seem deplorable. Another Missouri court of appeals had, how-